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SUN MICROSYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,
Plaintiff-Counterclaim Defendant,
v.
SUN MICROSYSTEMS, INC.,
Defendant-Counterclaim Plaintiff.

CASE NO. C-07-06053-EDL

**SUN MICROSYSTEMS, INC.'S
[PROPOSED] ORDER ON CLAIM
CONSTRUCTION**

Claim Construction Hearing:
Date: August 27, 2008
Time: 9:00 a.m.
Judge: Hon. Elizabeth D. Laporte

Having considered the positions of all parties, including briefs and oral arguments, and the evidence of record, the Court holds that the disputed claim terms and phrases are construed as follows for U.S. Patent Nos. 5,819,292, 6,892,211 and 7,200,715:

Term/Phrase	Construction
“nonvolatile storage means”	This limitation is a means-plus-function limitation governed by 35 U.S.C. §112, ¶ 6. Function: storing blocks of data of a file system so that the data is not lost in the absence of power Structure: one or more disks with a block-based format (i.e., 4KB blocks that have no fragments), where the disk storage blocks are the same size as the data blocks of the file system
“meta-data for successive states of said file system”	a block map file for recording snapshots of the file system
“file system information structure”	data structure that contains the root inode of a file system in a fixed location on disk
“pointing directly and indirectly to buffers in said memory and a second set of blocks on said storage system”	pointing directly and indirectly to buffers in said memory and pointing directly and indirectly to a second set of blocks on said storage system
“root inode”	the index node data structure stored in a fixed location that roots a set of self-consistent blocks on the storage system that comprise the file system
“consistent state”/“state of a file system”	a set of storage blocks for that file system that includes all blocks required for the data and structure of the file system

1 “associating the data blocks with
2 one or more storage blocks across
3 the plurality of stripes as an
4 association” (claims 21 and 52)
5 and “the association to associate
6 the data blocks with one or more
7 storage blocks across the plurality
8 of stripes” (claim 39)

This term is indefinite under 35 U.S.C. §
112(2).

ALTERNATIVE PROPOSED
CONSTRUCTION:

“associating each data block with a
respective one of the storage blocks across
the plurality of stripes as an association.”

9 The constructions provided above apply to each instance where the patents' claims utilize
10 the same or materially similar claim limitations to those specifically referenced above.

11 IT IS SO ORDERED.

12 Dated: ,2008

13 The Honorable Elizabeth D. Laporte
14 United States Magistrate Judge
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